

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7776**

**BILL NUMBER: SB 518**

**NOTE PREPARED: Feb 11, 2005**

**BILL AMENDED: Feb 10, 2005**

**SUBJECT:** Forestry issues.

**FIRST AUTHOR:** Sen. Weatherwax

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**      **GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill specifies that certain activities of a forestry operation are not a public or private nuisance. It also entitles a forestry operation that successfully defends a nuisance action to reasonable costs and attorney's fees incurred to defend the action. The bill provides that local ordinances making forestry operations a nuisance are void. It repeals and relocates the definition of "unit of local government".

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) The bill provides that an ordinance of a unit of local government that makes a forestry operation a nuisance; or provides for an abatement of a forestry operation as a nuisance; trespass; or zoning violation is void. The provision could reduce local administrative expenditures that would have been associated with adopting ordinances pertaining to nuisances.

The bill also provides that a forestry operation that successfully defends an action is entitled to reasonable costs and attorney's fees incurred in defending the action. This provision could result in additional expense to local units if units take action against an operation and the forestry operation is successful in its defense. The impact is indeterminable and will depend on local actions.

The bill also expands the circumstances in which a forestry operation is considered to be in continuous operation and further expands circumstances under which a forestry operation would not be considered a nuisance. These provisions could reduce legal actions taken against forestry operations which would reduce expenses associated with local court actions. The impact is indeterminable.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** All.

**Information Sources:**

**Fiscal Analyst:** Bernadette Bartlett, 317-232-9586.